

Before the Board of Zoning Adjustment, D. C.

Application No. 11242 of H. M. Elwyn, Applicant

On motion duly made, seconded with vote of 4-0 (Lilla Burt Cummings not voting, not having heard the case), the following Order of the Board was entered at the meeting of June 26, 1973.

Hearing Date                      June 19, 1973  
Executive Session:              June 26, 1973

FINDINGS OF FACT:

1. The property is located in an R-3 District.
  2. The premises have been used as a drugstore and luncheonette for approximately twenty-five (25) years, and presently exists under authority of Certificates of Occupancy No. A17487, issued October 7, 1952.
  3. The property is located two blocks from Wisconsin Avenue, at the intersection of Reservoir Road and 35th Streets, Northwest. At this intersection, there are two nonresidential uses: the large Western High School and the property of the Convent of the Visitation.
  4. The premises will be used for a doctors' office.
  5. The total area of the first floor of the building to be used for doctor's office is 900 square feet.
  6. Hours would be from 9:00 a.m. to 6:00 p.m., Monday through Friday. Equipment would be limited to professional doctor's equipment.
  7. There will be no structural alterations except as may be required by Municipal Law and the second floor will continue to be used for residential purposes. There will be no change in the exterior appearance of the building.
  8. The proposed purchaser of the premises estimates approximately fifty patients per day would visit the premises as opposed to the approximately one hundred to one hundred fifty persons patronizing the existing pharmacy per day.
  9. A drugstore or pharmacy is first permitted in a C-1 District under the Zoning Regulations. Offices for a physician are permitted as a matter of right in the C-1 District, and the office of a physician residing on the premises is permitted as a matter of right in an R-1 District.
  10. There are sufficient on-site parking spaces for the proposed use.
  11. Opposition was registered at the public hearing.
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CONCLUSIONS OF THE LAW:

The Board is of the opinion that the proposed use will not be objectionable by virtue of the limitations in size and the fact that it will be less intense than the existing use. The use will be in harmony with the present character and future development of the neighborhood particularly in view of its location at the intersection of Reservoir Road and 35th Street, N. W., which has long had commercial and institutional uses. The general character of the area is one of mixed residential, institutional and commercial uses. The Board finds that the amount of traffic, noise, and vibrations will be reduced due to the reduction in intensity of the use. In addition, there will be ample parking available. Finally, the use will not have a serious, adverse impact on the appearance and character of the neighborhood since there will be no exterior, architectural or structural changes. The standards of external effects in paragraph 6101.5 of the Zoning Regulations will be complied with.

The Board holds that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

ORDERED:

Application for permission to change a nonconforming use from Drugstore and Luncheonette to doctor's office at 1663 35th Street, Northwest, Lot 41, Square 1294, be GRANTED.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER  
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITH A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

FINAL DATE OF ORDER:

AUG 2 1973

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